

AMENDMENTS

In the claims:

Provisional upon issuance of a final Restriction Requirement, Applicant cancels claims 15-21 and 26-32 without prejudice to their later prosecution. If the Examiner makes final the Restriction Requirement but examines linking claim 15, Applicant cancels claims 16-21 and 26-32 without prejudice to their later prosecution.

Kindly make the following claim amendment.

4. (Twice amended) The modified toxin of claim 3 wherein said inactive Clostridial neurotoxin is selected from the group consisting of a tetanus toxin [having] comprising a modification of Glu²²⁴, a botulinum A toxin [having] comprising a modification at His²²⁷ [and/or], a botulinum A toxin comprising a modification at Glu²²⁴, [or] a botulinum toxin other than botulinum toxin A [having] comprising a modification at a site corresponding to His²²⁷ [and/or Glu²²⁴] of botulinum toxin A, and a botulinum toxin other than botulinum toxin A comprising a modification at a site corresponding to His²²⁷ of botulinum toxin A.

REMARKS

A. Rejections Pursuant to 35 USC § 112

The Examiner has rejected claim 4 for being in improper Markush format and for being indefinite in the use of the term "and/or". Claim 4 has been amended to recite the Markush group in standard format and to eliminate the use of the "and/or" term. The claim has also been rendered more definite through substitution of the word "comprising" for the word "having". Therefore Applicant believes that the amendments have overcome this ground of rejection.

B. Rejections Pursuant to 35 USC § 102(b)